

CONFIDENTIAL

Approved For Release 2005/09/29 : CIA-RDP81M00980R000800020054-3

Section 423(2) - Comparison With Existing Authorities

Present Authority - No specific authority is contained in the National Security Act of 1947 or the Central Intelligence Agency Act of 1949 for the Agency to provide technical guidance, training, equipment, and expert personnel to other entities of the Intelligence Community. However, Section 6 of the Presidential Protection Assistance Act of 1976, Pub. L. 94-524, 90 Stat. 2475, requires Executive departments and agencies to assist the Secret Service in the performance of its duties "by providing services, equipment, and facilities" when requested by the Director of the Secret Service. This statute has been interpreted by the CIA General Counsel's Office to authorize the Agency's provision of assistance in the form of personnel to make expert technical evaluations for intelligence purposes in furtherance of the Secret Service's protective mission.

Section 2-309 of Executive Order 12036 provides that the "Restrictions on Assistance to Law Enforcement Authorities" contained in Section 2-308 of the Order shall not preclude:

(c) Provision of specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency or, when lives are endangered, to support local law enforcement agencies. Provision of assistance by expert personnel shall be governed by procedures approved by the Attorney General.

Effect of S.2525 - Section 423(2) as written limits the provision of named types of assistance to entities of the Intelligence Community engaged in lawful intelligence activities. It thus appears to preclude provision of those types of assistance to any departments, agencies, or entities not within the Intelligence Community. Furthermore, it limits the provision of expert personnel to "exigent circumstances."

Commentary - Section 423(2) should be amended to extend beyond the undefined "exigent" circumstances, to allow CIA to receive assistance as well, and to allow assistance to other federal (non-Intelligence Community), state and local entities not involved in law enforcement activities. Substitute:

To provide and receive technical guidance, training, and equipment and, under regulations established by the Director of the Agency, other services of expert personnel to or from any other entity of the Intelligence Community engaged in lawful intelligence activities and to other elements of the federal, state and local government not involved in law enforcement activities.

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TRANSMITTAL SLIP		DATE
TO:		
ROOM NO.	BUILDING	
REMARKS	<div style="border: 1px solid black; height: 40px; width: 200px; margin: 0 auto;"></div> <p style="text-align: center; font-family: cursive; font-size: 1.2em;">copy of replacement page</p>	
FROM:		
ROOM NO.	BUILDING	EXTENSION

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)